

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

LULATI SOKOL

Petitioner

v.

BUREAU OF IMMIGRATIONS AND
CUSTOMS ENFORCEMENT INTERIM
FIELD DIRECTOR FOR THE DISTRICT:
OF PHILADELPHIA,

Respondent

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CIVIL NO. 3:CV-06-244

: (Judge Kosik)

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

_____Lulati Sokol, a detainee of the Bureau of Immigration and Customs Enforcement (“ICE”) incarcerated at the York County Prison, Pennsylvania, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 contending that he has never had any type of custody review of his detention and that, to date, ICE has been unable to remove him. He further contended that because he poses no threat to society and is not a flight risk, he should be released pending removal. On February 13, 2006, the court issued a Memorandum and Order finding that because Sokol’s custody lies with the HQPDU, and it does not appear that Sokol had filed a written request for release with the HQPDU, ICE was ordered to treat this petition as a

request for release under 8 C.F.R. § 241.13 and to respond to the request within thirty (30) days. Having referred the issue of release to the government for disposition under existing review procedures, the petition was denied and the case closed. (Doc. 4.) Presently pending is a document filed by Sokol on March 20, 2006, wherein he acknowledges that he received a custody review on March 6, 2006, apparently in response to the court's February 13, 2006 Order, but challenges the results of said determination to continue his confinement. (Doc. 7.) He seeks to "enforce" this court's Order of February 13, 2006.

The relief sought in the instant petition was to obtain review of confinement. This relief was granted by the court when it referred Sokol's request to ICE for a custody review. Any challenge to the HQPDU's recent determination is a separate matter which is properly pursued in a new habeas corpus action.

ACCORDINGLY, this 28th day of March, 2006, to the extent Sokol's seeks further relief from the court in the context of the present action, his request is **denied without prejudice** to pursue the matter in a new habeas corpus action.¹

s/Edwin M. Kosik

United States District Judge

¹ Without having reviewed the matter yet, the court notes that Sokol filed a new habeas corpus action in this court on March 24, 2006, wherein he names the ICE as the Respondent. See Sokol v. ICE Enforcement Interim Field Office, 3:06-CV-0621.